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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,550	02/02/2001	Toshiaki Nakano	P107156-00051	8044

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EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,550

Applicant(s)

NAKANO ET AL.

Examiner

Chongshan Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications filed on 1 February 2005. Claims 5 and 7-9 are pending in this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al. (hereinafter "Cupps", 5,991,739) in view of Bellesfield et al. (hereinafter "Bellesfield", Pub. No.: US 2002/0038180 A1).

As per claim 7, Takaya discloses a service providing area retrieval system (Cupps, Fig. 1) comprising:

a retrieval site connected to a computer network (Cupps, Fig. 1 & 2), said retrieval site

comprising:

retrieval server (Cupps, Fig. 1, col. 3, lines 49-56, "...the online ordering machine 106 is a server computer ..."),

retrieval database storing data on genres of handled merchandises and service providing areas of registered shops (Cupps, col. 8, lines 64-67, "the order database 128 contains information such as the operational time of a vendor, ..., the categories of the food products served, and the like") and

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a registered shop database storing service request data of each shop registered for the retrieval database (Cupps, col. 5, line 27 – col. 8, line 17),

wherein said retrieval server of said retrieval site retrieves shops whose genres of handled merchandises from said retrieval database correspond to a desired merchandise genre entered at an information terminal connected to said retrieval site and whose service providing area from said retrieval database includes a destination entered at the information terminal connected to said retrieval site, retrieves the service request data of the selected shop from said registered shop database, and displays the service request data on the information terminal, and then after an entry for requesting a service based on the service request data, sends the requested service contents to the selected shop (Cupps, Fig. 7 – 12C, col. 2, lines 20-67, “the online ordering machine provides the customers with product information from various vendors whose delivery range is within the customer’s location ... the online ordering machine accepts orders from the customer for a particular product from a selected vendor ...”), and

wherein said retrieval site further includes a registered user database storing user information, to retrieve user information from said registered user database based on an entry on the information terminal, and retrieve said list of shops capable of providing the service and said service request data based on the retrieved user information (Cupps, Fig. 12A-12C, Repeat Customer, Enter login name and password below; New Customer, Register now to begin ordering, col. 5, lines 29-35, “a customer table have an entry for each customer that tenders an order to the online ordering machine ...”).

Cupps does not explicitly disclose a map database site connected to the computer network, said map database site comprising: map server, and map information database storing

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map image data, and displays a map image on which the destination and retrieved shops are indicated. Bellesfield teaches a map database site connected to the computer network, said map database site comprising: map server, and map information database storing map image data, and displays a map image on which the destination and retrieved shops are indicated (Bellesfield, Fig. 2, element 26, Map Database, Fig. 6 & 11, page 4, [0035]-[0036], page 6, [0051]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Cupps by incorporating the map system of Bellesfield (Bellesfield, Fig. 2, element 26, Map Database, Fig. 6 & 11, page 4, [0035]-[0036], page 6, [0051]). The motivation being to display the places on a map and show the driving direction between the places so that the customer can easily find the store and go there pick up their orders.

As per claim 8, Cupps and Bellesfield teach all the claimed subject matters as discussed in claim 7, and further teach an entry of the destination of the provided service on the information terminal is performed on a map image displayed based on the map information data read out from said map information database by said map server of said map database site (Bellesfield, page 6, [0051]).

Claims 9 and 5 are rejected on grounds corresponding to the reasons given above for claims 7-8.

Response to Arguments

4. Applicant's arguments filed on 1 February 2005 have been fully considered but they are not persuasive.

5. As per applicant's arguments regarding the references do not teach that the desired merchandise genre is entered at an information terminal have been considered but are not persuasive. Cupps teaches the system "receives an input one or more customer requests and is linked to the order database 128 ... the order database 128 contains information such as ... the categories of the food products served" (Cupps, col. 8, lines 58-67), and the menu web page 144 was created in response to the customer's request for pizza selections" (Cupps, col. 9, lines 27-28). The pizza selections are the type of products the customer requests and the request is entered by the customer at the ordering machine and received by the processing machine. Therefore, the arguments are not persuasive.

6. As per applicant's arguments regarding the references do not teach displaying the location of the places of interest on the map have been considered but are not persuasive. Bellesfield teaches generating travel routes between interesting places and drawing the generated routes over the bit-mapped image on the display monitor (Bellesfield, page 4, [0036]-[0038]). Since the travel route connecting the interesting places are generated and drawn on the map image displayed, the location of the places of interest are also displayed on the displayed map image because they are on the travel route displayed on the map image. Therefore, the arguments are not persuasive.

7. As per applicant's arguments regarding the references do not teach a shop is selected based on the map image have been considered but are not persuasive. Cupps teaches a system

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that displays a list of restaurants with addresses in the user's area. The user can click the restaurant's logo or name to see its menu and make an order (Cupps, Fig. 8). Bellesfield teaches displaying the places of interest on a map and generate travel routes between the places (Bellesfield, page 4, [0036]-[0038]). Therefore, the Cupps and Bellesfield's combined system teaches displaying the shop/restaurant on the map, and the user can click the shop/restaurant to see its menu and make an order. Therefore, the arguments are not persuasive.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Semple et al. (Pub. No.: US 2002/0032674 A1) teach a system generates a map or other positional information which locates selected items of interest, e.g., business, stores, etc.

Kitagawa (US 6,282,493 B1) teaches a vehicle navigation device which displays and selects facilities on a map.

Kimoto et al. (US 6,115,611) teach a system providing map information and facilities on the map.

Maekawa et al. (US 6,040,824) teach a system enables the user to search different type of facilities and displays the facilities on a map.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

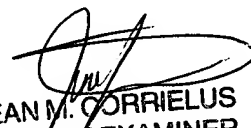
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571) 272-4031. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen
April 26, 2005


JEAN M. CORRIELLUS
PRIMARY EXAMINER